



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 24, 2013

Mr. Manuel Hernandez-Bey
#09766-035
United States Penitentiary Atwater
P.O Box 019001
Atwater, California 95301

OFFICE OF
RESEARCH AND DEVELOPMENT

RE: Freedom of Information Act Request EPA-HQ-2013-009512

Dear Mr. Hernandez-Bey:

This letter is in response to your Freedom of Information Act (FOIA) request, identified above, dated August 23, 2013, "I request to know the following in full elaboration, both scientifically, and environmentally, in documentation:

- 1) What exact total suspended particulates, are permeating the atmosphere – air quality for Atwater, California?
- 2) What effect on lung tissue, eyes, brain, nasal passages, throat, does suspended particulates, lead, carbon monoxide, sulfur dioxide, nitrogen dioxide, have on a human body that is exposed to breath these toxic pollutants for one-year total?
- 3) What special type of air filters would be mandatorily needed, in air handling units, to protect me from being poisoned, from suspended particulates of lead, carbon monoxide, sulfur dioxide, nitrogen dioxide, while I'm serving time (involuntarily) at USP Atwater institution, located in Atwater California?
- 4) What is the recorded Air Quality Index reflect for August 1st, 2012 through July 20th, 2013? I request a graph chart showing each day, month, from 8/01/12 through 7/20/13?"

We are unable to respond to your request as agencies are not required to answer questions posed as FOIA requests (Zemansky v. EPA, 767 F.2d 335, 362 (S.D. N.Y. 2008)).


This completes ORD's response to your request. The processing cost was below our chargeable cost threshold, so there is no charge to you for the work done on your request.

You may appeal this response to the National Freedom of Information Office, U. S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, NW (2822T), Washington, DC 20460 (U. S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov or via FOIA online: <https://foiaonline.regulations.gov/foia/action/public/home>. Only items mailed through the U. S. Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your

appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, DC 20004. Your appeal must be in writing and submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the case number stated above (EPA-HQ-2013-009512). For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions concerning this response, please contact Mr. Peter Evanko, ORD/OPARM, (202) 564-6731.

Sincerely,


for Amy E. Battaglia

Director, Office of Program Accountability
and Resource Management